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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,) Case No. 05-70942 WDB
Plaintiff,) ORDER GRANTING STIPULATION
v.) TO WAIVE TIME UNDER SPEEDY
MICHAEL EDWARD PAYNE,) TRIAL CLOCK AND FOR
Defendant.) PRELIMINARY HEARING
Date: January 10, 2006
Time: 10:00 a.m.
Before the Honorable Wayne D. Brazil

ORDER

Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. § 3161(h)(8), the parties in this matter filed a Stipulation to Waive Time Under Speedy Trial Clock and For Preliminary Hearing seeking to waive and extend the time for the preliminary hearing and to exclude the time between January 10, 2006 and January 27, 2006 from the Speedy Trial Clock. The Stipulation was signed by counsel of record as well as the defendant knowingly and voluntarily waiving his right to a preliminary hearing on January 10, 2005, and extending the preliminary hearing until January 27, 2006. The Stipulation also noted that Mr. Payne's counsel requires additional time to review material. This information will allow Mr. Payne's counsel to better evaluate the case and assist in preparing a defense. Counsel also acknowledged that an exclusion of time under the Speedy

**ORDER GRANTING PRELIMINARY
HEARING EXTENSION AND EXCLUSION
Case No. 05-70942 WDB**

1 Trial Clock is appropriate to allow for the effective preparation of defense counsel taking into
2 account the exercise of due diligence. Good cause appearing therefor,

3 **IT IS HEREBY ORDERED** that the period of time between January 10, 2006 and January
4 27, 2006 is excluded from the Speedy Trial Clock to allow counsel to effectively prepare, taking
5 into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court finds that
6 the “ends of justice served by the granting of such continuance outweigh[s] the best interests of
7 the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A). Additionally, the
8 Court finds that the Defendant, Mr. Payne, knowingly and voluntarily waived the period between
9 January 10, 2006 and January 27, 2006, such that preliminary hearing is now scheduled for
10 January 27, 2006 at 10:00 a.m.

11 DATED: January 5, 2006

12 
13 WAYNE D. BRAZIL
14 United States Magistrate Judge

15 Distribute to:

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